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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,569	12/22/2003	Jeffrey D. Rupp	FGT 1852 PA	1568
28549	7590	05/15/2006	EXAMINER	
ARTZ & ARTZ, P.C. 28333 TELEGRAPH ROAD, SUITE 250 SOUTHFIELD, MI 48034			NGUYEN, CUONG H	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 05/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

1. This Office Action is the answer to the communication received on 1/13/06, which paper has been placed of record in the file.
2. Claims 1-20 are pending in this application; wherein claim 5 has been canceled.

Claim Rejections - 35 USC § 112

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

This claim lacks a preamble and a clear statement of intended use. An intended use clause in the preamble of an apparatus claim has the effect of a distinguishing limitation together with the body of the claim sets forth structure which refers back to, is defined by, or otherwise draws life and breadth from the preamble. See *In re Casey*, 152 USPQ 235 (CCPA 1967); **Kropa v. Robie**, 88 USPQ 478 (CCPA 1951). Thus, a preamble is defined the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. See **Kropa v. Robie**, *supra* at 480. See also *Ex parte Mott*, 190 USPQ 311, 313 (PTO Bd. Of App. 1975). According to the very vague introduction, the examiner considers there is no preamble in these claims (even considering in a vehicle environment).

4. The current examiner also respectfully submits that there is a restriction on patentably distinct species, as shown below:

Election/Restrictions

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5. This application contains claims directed to the following patentably distinct species of the claimed invention:

- Species I: claims 1-4, and 6-19 are directed to a system/method for using a single vision sensor on a vehicle for determining reference point coordinates and related positions, US classifications 180/170, and/or 348/148.
- Species II: claim 20 is directed to a cruise control system for a vehicle, US classification 701/93.
- The main concept of this application is automatically adjusting speed using a vehicle's camera (this generic idea is not in at least independent claims 1, and 9; for independent claim 20, a clear/explicit explanation of how to reduce speed using a single vision sensor is requested).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merit to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicants must indicate which are readable upon the elected species. MPEP § 809.02(a).

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Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 9:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6956.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.


CUONG NGUYEN
PRIMARY EXAMINER